

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Maertens et al

Atty. Ref.: **2752-43**

Div. of Serial No. **08/836,075**

Group:

Filed: **May 9, 2001**

Examiner:

For: **NEW SEQUENCES OF HEPATITIS C VIRUS
GENOTYPES AND THEIR USE AS PROPHYLACTIC,
THERAPEUTIC AND DIAGNOSTIC AGENTS**

* * * * *

May 9, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

Preliminarily amend the above-identified application as follows.

IN THE SPECIFICATION

Amend the specification as follows.

Insert the attached Sequence Listing after the claims pages.

IN THE CLAIMS

Amend the claims as follows:

Cancel claims 1-62, without prejudice.

Add the following claims:

--63. (new) A polynucleic acid which is chosen from the group consisting of:

(i) the nucleotide sequence having SEQ ID NO:51,

09541-0001-0001

(ii) a part of said polynucleic acid of (i) which is unique to HCV type 10, or, to the subtype 10a, and

(iii) the complement of the polynucleic acid of (i) or (ii).

64. (new) A polynucleic acid which is selected from:

(i) a polynucleic acid encoding an HCV polyprotein comprising in its amino acid sequence at least one of the following amino acid residues; L186, I192, S232, N244, A254, G290, W293, H295, with said notation being composed of a letter representing the amino acid residue by its one-letter code, and a number representing the amino acid numbering as shown in Table 1,

(ii) a part of said polynucleic acid of (i) which is unique to HCV type 10, or, to the subtype 10a,

(iii) or the complement of the polynucleic acid of (i) or (ii).

65. (new) A polynucleic acid according to claim 63, wherein the polynucleic acid is selected from:

(i) a polynucleic acid encoding an HCV polyprotein comprising the amino acid sequences having SEQ ID NO:50,

(ii) a part of said polynucleic acid of (i) which is unique to HCV type 10, or, to the subtype 10a,

(iii) or the complement of the polynucleic acid of (i) or (ii).

66. (new) A recombinant polypeptide encoded by a polynucleic acid according to any of claims 63 to 65.

67. (new) A method for production of a recombinant polypeptide, comprising:

- transformation of an appropriate cellular host with a recombinant vector, in which a polynucleic acid according to any of claims 63 to 65 has been inserted under the control of the appropriate regulatory elements, the polynucleic acid thus being an insert,
- culturing said transformed cellular host under conditions enabling the expression of said insert, and
- harvesting said polypeptide.

68. (new) A recombinant expression vector comprising a polynucleic acid according to any of claims 63 to 65 operably linked to prokaryotic, eukaryotic or viral transcription and translation control elements.

69. (new) A host cell transformed with a recombinant vector according to claim 68.

70. (new) A peptide corresponding to an amino acid sequence encoded by one of the polynucleic acids according to any of claims 63 to 65, with said peptide comprising an epitope which is unique to HCV type 10, or, to the subtype 10a.--

REMARKS

The specification has been amended to include the attached Sequence Listing, which is a copy of the Sequence Listing filed January 2, 1998, in the parent application Serial No. 08/836,075. The Office is requested to use the computer-readable copy of the Sequence filed January 2, 1998 in the parent application Serial No. 08/836,075, for the present application. A separate Request for the same is attached.

The attached paper copy of the Sequence Listing is the same as the computer-readable copy of the Sequence Listing submitted in parent application Serial No. 08/836,075. No new matter has been added.

The claims have been amended above to cancel claims 1-62, without prejudice. Claims 63-70 are pending.

A Change of Address and Exclusive Substitute Power is attached and entry of the same is requested. The Examiner is requested to ensure entry of the correct correspondence address.

Also attached is a copy of the Notice published at 1243 OG 1040, on February 27, 2001, which demonstrates that the parent application, which "issued" as U.S. Patent No.6,180,768, on January 30, 2001, was withdrawn from issue and is, presently, pending.

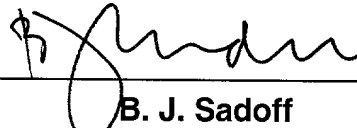
An early and favorable Action on the merits is requested.

Maertens et al
Div. of Serial No. 08/836,075

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff

Reg. No. 36,663

BJS:eaw
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

08/836,075-0000